



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,459	10/22/2003	Ajay R. Bam	65003/P002US/10312242	7339
29053	7590	04/22/2008		
FULBRIGHT & JAWORSKI L.L.P				
2200 ROSS AVENUE				
SUITE 2800				
DALLAS, TX 75201-2784				
EXAMINER				
MYHRE, JAMES W				
ART UNIT		PAPER NUMBER		
3688				
MAIL DATE		DELIVERY MODE		
04/22/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/691,459

Applicant(s)

BAM ET AL.

Examiner

JAMES W. MYHRE

Art Unit

3688

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-14, 16-22, 26-41, 44-50 and 52-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-14, 16-22, 26-41, 44-50, and 52-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to the Amendment filed on March 7, 2008. The amendment cancelled Claims 6, 15, 23-25, 42, 43, and 51, and amended Claims 1, 3, 12, 13, 16, 19, 20, 22, 26, 30, 37, 41, 47, 49, 59-66, 68-70, and 72. No new claims were added. Therefore, the currently pending claims considered below are Claims 1-5, 7-14, 16-22, 26-41, 44-50, and 52-73.

Oath/Declaration

2. The previous Office Action of December 7, 2007 indicated in paragraph 2 that the Oath or Declaration was defective by not identifying the mailing address of each inventor. However, upon further review the Examiner notes that this information was included on the Application Data Sheet. Thus, the Examiner hereby withdraws that objection.

Claim Rejections - 35 USC § 112

3. The Amendment filed on March 7, 2008 amended or cancelled Claims 25, 47, 59, 60, and 65 to correct the errors noted in paragraph 4 of the December 7, 2007 Office Action. Thus, the Examiner hereby withdraws those rejections.

Claim Objections

4. The Amendment filed on March 7, 2008 cancelled Claim 25 and amended Claim 65 to correct the dependency error as noted in paragraph 5 of the December 7, 2007 Office Action. Thus, the Examiner hereby withdraws that objection.

Election/Restrictions

5. The Amendment filed on March 7, 2008 affirmed the withdrawal of Claims 74 and 75 as telephonically elected on December 5, 2007.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5, 7-14, 16-22, 26-41, 44-50, 52-63 and 66-73 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Narasimhan et al (6,237,145).

Claims 1, 3, 26, 30, 37, 55, 61, and 62: Narasimhan discloses a system, device, and method for distributing promotions, comprising:

a. generating a promotion for use by a specific consumer (column 3, lines 28-35);

b. transmitting the promotion data to a mobile electronic device of a requesting consumer (column 4, lines 16-20 and column 7, lines 10-49); and

c. applying the promotion to a purchase using the mobile electronic device (column 7, line 50 – column 8, line 3).

As discussed in the rejection of Claim 6, 15, 24, and 43 in the December 7, 2007 Office Action, Narasimhan discloses the electronic device is a mobile device (smart card) (column 7, lines 10-49). The Applicant has argued that the promotion is not transmitted to the smart card nor that a response is received from the smart card; thus, "the smart card is merely an identification card for the user and not a mobile electronic device". However, the Examiner notes that Narasimhan explicitly discloses that the user may "employ a smart card reader/writer 128 to store the clipped electronic coupons in an appropriately configured clipped coupon database 118 on the smart card" and that subsequently the merchant device 122 can "read the clipped electronic coupons from the database 118 on the smart card" (column 7, lines 10-48). Thus, the promotion data (coupons) is being transmitted (and stored) onto the smart card and the merchant device is receiving a response from the smart card when querying the clipped coupon database to retrieve the promotion information (coupon). Therefore, the smart card is performing the functions of the claimed "mobile electronic device".

Furthermore, as discussed in previous (and current) rejections of Claims 64 and 65, it would have been obvious that any type of device with the appropriate input, output, and storage mechanisms could be used, to include a credit card type of smart card (such as the one disclosed by Narasimhan), a cell phone, a personal data

Art Unit: 3688

assistant (PDA), a pager, etc. One would have been motivated to incorporate the functionality and storage of the smart card into other mobile devices, such as a cell phone, in order to eliminate the need to carry multiple mobile devices (e.g. a smart card, a cell phone, AND a pager).

Claim 13: Narasimhan discloses a method for redeeming promotions, comprising:

- a. accessing a promotion stored on a consumer's mobile electronic device (column 4, lines 16-20 and column 7, lines 10-49);
- b. applying (redeeming) the promotion to a purchase (column 7, line 50 – column 8, line 3);
- c. receiving a response from the consumer mobile electronic device redeeming the promotion (column 6, lines 30-36 and column 7, lines 10-49); and
- d. saving the redemption data in an electronic account (column 6, lines 30-36 and column 7, lines 10-49).

As discussed in the rejection of Claim 6, 15, 24, and 43 in the December 7, 2007 Office Action, Narasimhan discloses the electronic device is a mobile device (smart card) (column 7, lines 10-49). The Applicant has argued that the promotion is not transmitted to the smart card nor that a response is received from the smart card; thus, “the smart card is merely an identification card for the user and not a mobile electronic device”. However, the Examiner notes that Narasimhan explicitly discloses that the user may “employ a smart card reader/writer 128 to store the clipped electronic coupons in an appropriately configured clipped coupon database 118 on the smart card” and that

Art Unit: 3688

subsequently the merchant device 122 can "read the clipped electronic coupons from the database 118 on the smart card" (column 7, lines 10-48). Thus, the promotion data (coupons) is being transmitted (and stored) onto the smart card and the merchant device is receiving a response from the smart card when querying the clipped coupon database to retrieve the promotion information (coupon). Therefore, the smart card is performing the functions of the claimed "mobile electronic device".

Furthermore, as discussed in previous (and current) rejections of Claims 64 and 65, it would have been obvious that any type of device with the appropriate input, output, and storage mechanisms could be used, to include a credit card type of smart card (such as the one disclosed by Narasimhan), a cell phone, a personal data assistant (PDA), a pager, etc. One would have been motivated to incorporate the functionality and storage of the smart card into other mobile devices, such as a cell phone, in order to eliminate the need to carry multiple mobile devices (e.g. a smart card, a cell phone, AND a pager).

Claims 22, 41, and 44: Narasimhan discloses a system and method for distributing a promotion, comprising:

- a. generating promotions for use by a consumer (column 3, lines 28-35);
- b. sending the promotion data to a consumer account accessible on the customer's mobile electronic device when requested (column 4, lines 16-20 and column 7, lines 10-49); and

c. saving (storing) the promotion in the consumer account for later access and use by the requesting consumer' mobile electronic device (column 4, lines 16-20 and column 7, lines 10-48).

As discussed in the rejection of Claim 6, 15, 24, and 43 in the December 7, 2007 Office Action, Narasimhan discloses the electronic device is a mobile device (smart card) (column 7, lines 10-49). The Applicant has argued that the promotion is not transmitted to the smart card nor that a response is received from the smart card; thus, "the smart card is merely an identification card for the user and not a mobile electronic device". However, the Examiner notes that Narasimhan explicitly discloses that the user may "employ a smart card reader/writer 128 to store the clipped electronic coupons in an appropriately configured clipped coupon database 118 on the smart card" and that subsequently the merchant device 122 can "read the clipped electronic coupons from the database 118 on the smart card" (column 7, lines 10-48). Thus, the promotion data (coupons) is being transmitted (and stored) onto the smart card and the merchant device is receiving a response from the smart card when querying the clipped coupon database to retrieve the promotion information (coupon). Therefore, the smart card is performing the functions of the claimed "mobile electronic device".

Furthermore, as discussed in previous (and current) rejections of Claims 64 and 65, it would have been obvious that any type of device with the appropriate input, output, and storage mechanisms could be used, to include a credit card type of smart card (such as the one disclosed by Narasimhan), a cell phone, a personal data assistant (PDA), a pager, etc. One would have been motivated to incorporate the

Art Unit: 3688

functionality and storage of the smart card into other mobile devices, such as a cell phone, in order to eliminate the need to carry multiple mobile devices (e.g. a smart card, a cell phone, AND a pager).

Claims 49 and 52-54: Narasimhan discloses a method for distributing a promotion, comprising:

- a. generating a promotion based on accessing a consumer profile database that includes consumer buying habits (column 4, lines 41-49);
- b. transmitting the promotion data to a mobile electronic device of a requesting consumer (column 4, lines 16-20 and column 7, lines 10-49); and
- c. applying (redeeming) the promotion to a purchase using the mobile electronic device (column 7, line 50 - column 8, line 3).

As discussed in the rejection of Claim 6, 15, 24, and 43 in the December 7, 2007 Office Action, Narasimhan discloses the electronic device is a mobile device (smart card) (column 7, lines 10-49). The Applicant has argued that the promotion is not transmitted to the smart card nor that a response is received from the smart card; thus, "the smart card is merely an identification card for the user and not a mobile electronic device". However, the Examiner notes that Narasimhan explicitly discloses that the user may "employ a smart card reader/writer 128 to store the clipped electronic coupons in an appropriately configured clipped coupon database 118 on the smart card" and that subsequently the merchant device 122 can "read the clipped electronic coupons from the database 118 on the smart card" (column 7, lines 10-48). Thus, the promotion data

(coupons) is being transmitted (and stored) onto the smart card and the merchant device is receiving a response from the smart card when querying the clipped coupon database to retrieve the promotion information (coupon). Therefore, the smart card is performing the functions of the claimed "mobile electronic device".

Furthermore, as discussed in previous (and current) rejections of Claims 64 and 65, it would have been obvious that any type of device with the appropriate input, output, and storage mechanisms could be used, to include a credit card type of smart card (such as the one disclosed by Narasimhan), a cell phone, a personal data assistant (PDA), a pager, etc. One would have been motivated to incorporate the functionality and storage of the smart card into other mobile devices, such as a cell phone, in order to eliminate the need to carry multiple mobile devices (e.g. a smart card, a cell phone, AND a pager).

Claims 2, 14, and 50: Narasimhan discloses a method as in Claims 1, 13, and 49 above, and further discloses the promotion is a coupon, a discount, an alert, or an offer to sell (column 3, lines 28-35).

Claim 4: Narasimhan discloses a method as in Claim 3 above, and further discloses processing the redemption (inherently, according to established redemption rules) (column 7, lines 10-49).

Art Unit: 3688

Claims 5, 18, 36, 46, and 56: Narasimhan discloses a system, device, and method as in Claims 1, 13, 30, 41, and 55 above, and further discloses storing the promotion in an electronic account for later access by the consumer (column 4, lines 16-20 and column 7, lines 10-49).

Claims 7, 8, and 21: Narasimhan disclose a method as in Claims 1 and 13 above, and further discloses the transmitted data (promotion) is a text or audio (voice) message (column 3, lines 28-35).

Claims 9, 16, and 33-35: Narasimhan discloses a method as in Claims 1, 13, and 30 above, and further discloses a promotion distributor generating the promotion based on a request from the consumer (column 3, lines 10-16 and column 8, lines 5-7).

Claims 10, 17, 27-29, 38-40, and 45: Narasimhan discloses a system and method as in Claims 1, 13, 26, 37, and 41 above, and further discloses generating the promotion based on the stored profile of the consumer/merchant (column 4, lines 41-49).

Claim 11: Narasimhan discloses a method as in Claim 1 above, and further discloses automatically applying the promotion during the purchase transaction (column 7, lines 10-49).

Art Unit: 3688

Claims 12 and 57: Narasimhan discloses a device and method as in Claims 1 and 55 above, and further discloses identifying the consumer by identifying the electronic device (smart card) (column 7, lines 10-49).

Claims 19 and 63: Narasimhan discloses a system and method as in Claims 13 and 62 above, and further discloses redeeming the promotion at a point of sale (POS) terminal (merchant device) using a payment method controlled by the consumer's mobile electronic device (credit card) (column 7, lines 10-60).

Claim 20: Narasimhan discloses a method as in Claim 19 above, and further discloses automatically applying the promotion during the purchase transaction (column 7, lines 10-49).

Claims 31 and 32: Narasimhan discloses a method as in Claim 30 above, and further discloses that notifying consumers of promotions through the use of various types of advertisements (newspapers, television, etc.) was known well before the present invention (column 1, lines 23-55). Furthermore, no patentable weight is given as to why the consumer is requesting the promotion.

Claims 47, 48, and 58-60: Narasimhan discloses a system and device as in Claims 41 and 55 above, and further discloses utilizing an Internet or telephone interface (column 4, lines 9-15). No patentable weight is given to the type of protocol technology being

Art Unit: 3688

used by these communication systems. It is inherent that each communication system would use compatible protocols, such as DTMF for telephones, XML or J2EE for computer networks (including the Internet), etc. based on the capabilities of the specific hardware and software being used by the communication system. The type of protocol being used would not affect, nor has the Applicant pointed out how any of them would affect, the steps being performed.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 64 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narasimhan et al (6,237,145).

Claims 64 and 65: Narasimhan discloses a system as in Claim 61 above, but does not explicitly disclose that the consumer device is a wireless device, such as a cell phone. However, it is noted that there are two ways for entering and retrieving data from smart cards, such as the ones disclosed in Narasimhan. The first is electronic contacts in which one or more contacts must be brought into physical contact with corresponding contacts on a card reader. The second is wireless contacts in which infrared, light, or

radio waves are used to transfer the data with no physical contact between the smart card and the card reader. Each contact method has its known advantages and disadvantages. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Narasimhan could use a contact or contactless device for the consumer's device. Furthermore, it would have been obvious that any type of device with the appropriate input, output, and storage mechanisms could be used to include a credit card type of smart card, a cell phone, a personal data assistant (PDA), a pager, etc. One would have been motivated to use a wireless device, such as a cell phone, in order to eliminate the need for the customer to carry an additional device by combining multiple functions into one device. The Examiner further notes that little if any patentable weight is given to the type of other functions the device is able to perform, i.e. as to whether the device can also make telephone calls, access the Internet, play music, etc., since none of these other functions are being used in the claimed invention.

Response to Arguments

10. Applicant's arguments filed March 7, 2008 have been fully considered but they are not persuasive.

a. The Applicant argues in reference to Claim 1 (page 14) that the promotion is not transmitted to the smart card nor that a response is received from the smart card; thus, "the smart card is merely an identification card for the user and not a mobile electronic device". However, as discussed in the rejection above, and in the rejection of

Claim 6, 15, 24, and 43 in the December 7, 2007 Office Action, Narasimhan discloses the electronic device is a mobile device (smart card) (column 7, lines 10-49). The Examiner further notes that Narasimhan explicitly discloses that the user may "employ a smart card reader/writer 128 to store the clipped electronic coupons in an appropriately configured clipped coupon database 118 on the smart card" and that subsequently the merchant device 122 can "read the clipped electronic coupons from the database 118 on the smart card" (column 7, lines 10-48). Thus, the promotion data (coupons) is being transmitted (and stored) onto the smart card and the merchant device is receiving a response from the smart card when querying the clipped coupon database to retrieve the promotion information (coupon). Therefore, the smart card is performing the functions of the claimed "mobile electronic device".

Furthermore, as discussed in previous (and current) rejections of Claims 64 and 65, it would have been obvious that any type of device with the appropriate input, output, and storage mechanisms could be used, to include a credit card type of smart card (such as the one disclosed by Narasimhan), a cell phone, a personal data assistant (PDA), a pager, etc. One would have been motivated to incorporate the functionality and storage of the smart card into other mobile devices, such as a cell phone, in order to eliminate the need to carry multiple mobile devices (e.g. a smart card, a cell phone, AND a pager).

b. The Applicant presents the same arguments for Claim 13 and adds that the reference fails to teach accessing data relating to the promotion with the mobile electronic device and redeeming the promotion by replying to the server using the

mobile electronic device (page 15). Again, the Examiner notes that the data pertaining to the promotion is being stored on the smart card and that the smart card replies to an inquiry from the merchant device by retrieving (accessing) the promotion (coupon) data from the database when redeeming the promotion and transmitting (replying) the data to the merchant device.

c. The Applicant argues in reference to Claim 22 that Narasimhan does not teach sending the promotion data to a consumer web portal account accessible on the mobile electronic device of the consumer nor saving the promotion in a promotion saving account accessible by the mobile electronic device (page 16). The Examiner notes that it is explicitly disclosed that the promotions are stored (saved) in a database (account) "on the smart card" (i.e. "on the mobile electronic device"). Such a database would inherently be accessible by the smart card when redeeming the coupon at the merchant device as discussed above.

d. The Applicant again argues in reference to Claims 26 and 30 that Narasimhan does not disclose transmitting data relating to the promotion to a mobile electronic device (page 17). As discussed above, this is explicitly disclosed.

e. The Applicant again argues in reference to Claim 37 that Narasimhan does not disclose transmitting data relating to the promotion to a mobile device and receiving a reply from the consumer via the mobile electronic device (page 18). These arguments have been addressed above.

f. The Applicant argues in reference to Claim 41 that Narasimhan does not disclose transmitting a request for and receiving promotional data (page 19). The

Examiner notes that Narasimhan discloses the consumer requests the promotional data by logging in and walking through the hierarchial tree to select the desired promotional data (coupons) which are then stored in the database on the smart card. Since Narasimhan's smart card has at least one input means and at least output means (in order to receive and send the promotional data to and from the database), it is inherently capable of transmitting the request through its output means and receiving the promotional data through its input means. Furthermore, as discussed in the rejection above, it would have been obvious that any type of device with the appropriate input, output, and storage mechanisms could be used, to include a credit card type of smart card (such as the one disclosed by Narasimhan), a cell phone, a personal data assistant (PDA), a pager, etc. One would have been motivated to incorporate the functionality and storage of the smart card into other mobile devices, such as a cell phone, in order to eliminate the need to carry multiple mobile devices (e.g. a smart card, a cell phone, AND a pager).

g. The Applicant argues in reference to Claim 49 that Narasimhan does not disclose matching the promotion with a merchant profile and transmitting the promotion data to the mobile electronic device (page 19). The Examiner notes that the promotion is stored on the smart card; thus, it is transmitted to the mobile electronic device. The promotional data is also matched against merchant data (transaction data) to ensure the corresponding product is being purchased at the correct merchant before redeeming the coupon. Since there is no other mention or use of the merchant profile in the claims, the Examiner has interpreted the matching step as to ensuring that the

merchant is an authorized merchant for redemption of the promotional item (coupon) as is common in the art when the coupon is a merchant-specific coupon.

h. The Applicant again argues in reference to Claim 55 that Narasimhan does not disclose requesting nor receiving promotional data (page 20). This argument has been address in reference to Claim 41 above.

i. The Applicant argues in reference to Claim 61 that Narasimhan does not disclose receiving acceptance of the promotional offer via the mobile electronic device (page 21). However, the Examiner considers the selection by the consumer of the desired coupons as being an acceptance thereof. As discussed above, the selection may be made through the smart card, cell phone, pager, or other mobile electronic device being used by the consumer.

j. The Applicant argues in reference to Claim 66 that Narasimhan does not disclose the user specifying a merchant and receiving promotional information pertaining to that merchant (pages 21-22). However, it is disclosed that the consumer accesses the promotional database, walks down through the hierarchial tree to a desired promotion or promotional area, and selects the desired promotion. In the coupon arts there are two types of coupons - - general coupons which may be redeemed at any merchant that carries the product (e.g. a manufacturer's coupon) and specific coupons which may only be redeemed at one or more specific merchants (e.g. a Giant Foods coupon redeemable at a specific, or any, Giant Foods supermarket). Thus, it is inherent that when the customer in Narasimhan traverses the tree to the

desired promotional area, the selected promotional area may be a specific merchant, such as for JC Pennys®.

k. The Applicant argues in reference to Claim 70 that Narasimhan does not disclose the user specifying a merchant and receiving promotional information pertaining to that merchant (pages 22-23). This argument has been answered in the response to Claim 66 immediately above.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES W. MYHRE whose telephone number is (571)272-6722. The examiner can normally be reached on Monday through Thursday 6:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JWM
April 17, 2008

/James W Myhre/
Primary Examiner, Art Unit 3688